

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

GRAY MANUFACTURING CO., INC.)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-6024-CV-SJ-HFS
)	
STERTIL, B.V., and STERTIL-KONI)	
U.S.A., INC.)	
)	
Defendants.)	

ORDER

The court has received a letter suggesting a teleconference because defendants have not responded to discovery. It may be that the issue of a stay is encouraging defendants to await a ruling. Meanwhile, a scheduling order, prepared as requested on the assumption that a stay would be denied, calls for a Markman hearing in April, close of discovery in a year, and trial readiness in early 2011.

Although I am aware of the reported activity in the Patent and Trademark Office there does not appear to be a sound basis for calling a halt to preparations here. As discussed in our late August conference, the only material prejudice from pretrial preparations will be routine legal and preparation expenses.¹

Patent Office proceedings are not likely to be conclusive and dispositive, and I agree with plaintiff that undue delay may result from a stay, even if the Patent Office uses somewhat expedited

¹If the parties are troubled by that prospect they may advance settlement prospects, which would be all to the good.

handling.

Accordingly, it is hereby

ORDERED that defendants' motion for a stay (ECF doc. 21) is DENIED. The motions to stay pursuant to reexamination request updates (ECF docs. 31 and 34) have been considered, but treating them as further requests for stay, they are DENIED.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

October 6, 2009

Kansas City, Missouri